

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Theresa Brooke v. Svag Realty LLC

Brooke · No. 1:25-cv-01146 JLT CDB · Decided October 1, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning Theresa Brooke’s claims against Svag Realty LLC. The court declined to exercise supplemental jurisdiction over the California Unruh Civil Rights Act claim under 28 U.S.C. § 1367(c)(4) and dismissed that claim without prejudice.

CASE DETAILS

|                       |                                                                                                                                                                           |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                       |
| WRITING FOR THE COURT | Jennifer L. Thurston                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                       |
| DECIDED               | October 1, 2025                                                                                                                                                           |
| DOCKET                | 1:25-cv-01146 JLT CDB                                                                                                                                                     |
| DISPOSITION           | dismissed                                                                                                                                                                 |
| PROCEDURAL POSTURE    | The district court reviewed and adopted a magistrate judge's findings and recommendations concerning supplemental jurisdiction after Plaintiff failed to file objections. |
| STANDARD OF REVIEW    | De novo review under 28 U.S.C. § 636(b)(1)                                                                                                                                |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                          |

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- disability discrimination

QUESTIONS PRESENTED

- Whether the district court should exercise supplemental jurisdiction over Plaintiff's California Unruh Civil Rights Act claim under 28 U.S.C. § 1367(c)(4).

2. Whether the Unruh Act claim should be dismissed without prejudice after the court declined supplemental jurisdiction.

## HOLDINGS

1. The district court declined to exercise supplemental jurisdiction over Plaintiff's state-law claim pursuant to 28 U.S.C. § 1367(c)(4).
2. Plaintiff's second cause of action for violation of the Unruh Act was dismissed without prejudice.

## KEY QUOTATIONS

*“failure to file objections within the specified time may result in the waiver of rights on appeal.”* (at 1)

## FACTUAL BACKGROUND

Theresa Brooke sued Svag Realty LLC, asserting violations of the Americans with Disabilities Act and California's Unruh Civil Rights Act. The court's order addressed only whether to exercise supplemental jurisdiction over the state-law claim after an order to show cause regarding jurisdiction.

## PROCEDURAL HISTORY

Theresa Brooke filed claims under the Americans with Disabilities Act and California's Unruh Civil Rights Act. After issuing an order to show cause regarding jurisdiction, the magistrate judge recommended declining supplemental jurisdiction over the Unruh Act claim and dismissing it without prejudice under 28 U.S.C. § 1367(c)(4). The district court conducted de novo review, adopted the findings and recommendations in full, declined supplemental jurisdiction, and dismissed the state-law claim without prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-839 (9th Cir. 2014)